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10/729,439

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Jay S. Walker

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EXAMINER

SAGER, MARK ALAN

ART UNIT

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3714

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/729,439 | Applicant(s) WALKER ET AL. | |
| | Examiner M. A. Sager | Art Unit 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008 and 08 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 4/7/08 has been entered.

2. The indicated allowability of claims 39-54, 56-58, 60-61, 66-74 is withdrawn in view of reconsideration of scope of claimed invention and the newly discovered reference(s) to Bruner and Burns. Rejections based on the newly cited reference(s) follow.

Claim Objections

3. Claims 56, 60, 64 are objected to because of the following informalities: 'direction' (line 4) rather than --directing--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 39-42, 56-62, 64-65 are rejected under 35 U.S.C. 102(b) as being anticipated by Lucero (5457306). Lucero discloses a method, apparatus and computer readable medium (abstract, 1:8-15, 2:12-3:8, figs. 1-5) teaching receiving, at a gaming device, a loan request including a loan amount (4:24-25, 5:16-17), sending an indication of the loan request to at least

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one casino employee (4:37), and enabling a cash-out mechanism of the gaming device based on an approval of the loan request (5:17-20, 6:50-53, 7:12-17), wherein sending an indication of the loan request comprises: causing at least one of an audio and visual signal to be output to the at least one casino employee (implicit in order to obtain/receive credit slip, 4:37), wherein sending an indication of the loan request comprises: causing at least one of a beeper, cellular telephone and other computing device to output the indication of the loan request to the at least one casino employee (implicit at least for other computer device such as the gaming machine to signal server/host to indicate/call a casino employee to obtain/receive credit slip which is similar to a help request sending a signal to request casino employee assistance, 4:37), further comprising: receiving an approval of the loan request (5:17-18); further, a method, comprising: receiving, at a gaming device, a loan request including a loan amount (sic), establishing, based on the loan amount, a balance of credits available for wagering at the gaming device; disabling a cash-out mechanism of the gaming device (implicit game machine pause/disablement until loan approval, 5:17-20 or, at least for those instances where loan request occurs when there is a zero balance, cash-out mechanism remains inactive/disabled until loan approval or positive balance established), and enabling the cash-out mechanism of the gaming device upon the occurrence one of: receiving an approval of the loan request (sic), and determining that a payout at least equal to the loan request has been won at the gaming device using the established balance of credits, wherein the loan amount is subtracted from the payout before the cash-out mechanism is enabled (5:17-20, 6:50-53, 7:12-38), further comprising: sending, to a computing device, an indication of the loan request (sic), and sending, upon the occurrence of the payout at least equal to the loan request, an indication of cancellation of the loan request (7:12-38), further a method

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comprising: receiving an indication that a player of a gaming device has requested a loan amount for wagering at the gaming device (sic), wherein a cash out mechanism of the gaming device is disabled once a balance based on the loan amount has been established at the gaming device (supra, discussion above regarding disabling cash out mechanism), approving the loan amount (sic), storing an indication of the loan amount in association with the player (supra), also an apparatus comprising: a processor (implicit, 3:35-40, ref 10), and a storage device in communication with the processor (implicit, ref 10), the storage device storing a program for directing the processor to perform the method of claim 39, 58 or 62 (implicit, figs 1-5, ref 10), also a computer readable medium encoded with instructions for directing a processor to perform the method of claim 39, 58 or 62 (implicit, figs 1-5, ref 10).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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8. Claims 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucero in view of Bruner (4799683). Lucero discloses an apparatus, computer readable medium and method comprising claimed steps/features (supra) and further includes casino being lender but, as best understood, does not indicate receipt of approval from casino employee as claimed. Bruner discloses a system and method teaching wherein receiving an approval of the loan request comprises receiving, from the at least one casino employee, an approval of the loan request (4:11-20, 5:67-6:4, ref. 43, 45), wherein receiving an approval of the loan request comprises receiving, via an input device of the gaming device, an authorization code from the at least one casino employee (4:11-20, 5:67-6:4, ref. 43, 45), wherein receiving an authorization code comprises receiving, via at least one of a keypad and a card reading device, an authorization code from the at least one casino employee (4:11-20, 5:67-6:4, ref. 43, 45), wherein the card reading device is operable to obtain information from at least one of a magnetic stripe card and a smart card (sic) so as to permit control by casino employee as a security means (2:9-12, 24-58). Thus, especially where casino is lender, it would have been obvious to an artisan at a time prior to the invention to apply the process of wherein receiving an approval of the loan request comprises receiving, from the at least one casino employee, an approval of the loan request, wherein receiving an approval of the loan request comprises receiving, via an input device of the gaming device, an authorization code from the at least one casino employee, wherein receiving an authorization code comprises: receiving, via at least one of a keypad and a card reading device, an authorization code from the at least one casino employee, wherein the card reading device is operable to obtain information from at least one of a magnetic stripe card and a smart card as

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taught by Bruner to improve the method of Lucero for the predictable result of permitting control by casino employee as a security means.

9. Claims 47-55, 63, and 66-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucero or, in the alternative, over Lucero in view of Applicant's admission about prior art or, further in the alternative, over Lucero in view of Applicant's admission about prior art and either Burns (6048269) or Bruner (4799683). Lucero discloses a method teaching claimed steps/features (supra) and further including sending an indication of the loan request to a computing device (2:26-63, 4:24-41, 5:11-20, 6:42-7:17, figs 1-5, step 64, 86), enabling a cash-out mechanism of the gaming device based on approval of the loan request (sic), transmitting, to the computing device, an identifier of the player associated with the loan request (4:14-21, figs. 1-5, steps 56, 60, 80), receiving, from the player, the identifier of the player (4:14-21), receiving, from the computing device, a direction to prompt the player for a further identifier that verifies the player (5:41-45, step 58, 60, 80, 82), wherein the further identifier comprises at least a personal identification number (5:41-45, step 60, 82), further comprising prompting the player for the further identifier (2:33-63, 5:41-45, step 60, 82), further comprising receiving the further identifier and transmitting the further identifier to the computing device (5:33-35, 41-45, step 84), and receiving, from the computing device, a confirmation thereby receiving an approval of the loan request (5:33-35, 41-45, step 60, 72, 84, 92, 94), but lacks a verification that a player associated with the loan request is a current guest of a hotel associated with the gaming device (clm 47, 66), verifies that a player is currently a guest of a hotel associated with the gaming device (clm 50, 69), a hotel room number or a hotel room entry card identifier (clm 51, 70) and a confirmation that the player is currently a guest of a hotel associated with the gaming device

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(clm 54, 73). Essentially, the difference between claimed invention and Lucero's teachings is that the particular additional identifier is a room number rather than a PIN. The form of additional identifier fails to patentably distinguish in so far as a Lucero's PIN performs the same function of further identifying player who made loan request that is a number associated with player likewise to claimed use of a room number to further identify player who made loan request. Equivalence or lack of criticality of type/form of additional identifier is noted in art as recognized equivalents as each being a number associated with player that further identifies the player and further the lack of the additional identifier being a room number fails to critically distinguish over the additional identifier being a PIN since each further identifies player who made loan request. Also, in instant application (likewise contained in grandparent patent), Applicants admit it would be apparent to those skilled in the art for a processor to perform loan approval processing such as including checking whether the player [who made loan request] is a registered casino hotel guest (substitute specification clean version page 35, lines 7-11 as well as derived from grandparent patent 6190256, 4:18-21) thereby teaching/suggesting to an artisan at a time prior to the invention that loan approval processing can include a verification that a player associated with the loan request is a current guest of a hotel associated with the gaming device, verifies that a player is currently a guest of a hotel associated with the gaming device, the identifier being either a hotel room number or a hotel room entry card identifier where the player is a current registered guest and a confirmation that the player is currently a guest of a hotel associated with the gaming device. Alternatively, as further evidence of use of a room number or room entry card identifier as an identifier of a player such as to confirm a player being a registered guest of a casino hotel, Burns (3:26-33) and Burner (2:5-12, 24-58) each teach use of

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room number or room entry card identifier as an identifier of a player; while, Bruner further teaches using the room number identifier in association with a player who makes a loan request. Therefore, it would have been obvious to an artisan at a time prior to the invention to apply the process a verification that a player associated with the loan request is a current guest of a hotel associated with the gaming device, verifies that a player is currently a guest of a hotel associated with the gaming device, a hotel room number or a hotel room entry card identifier and a confirmation that the player is currently a guest of a hotel associated with the gaming device as admitted as prior art by Applicants' as known process for loan approval to improve method of Lucero for the predictable result of identifying player who requested loan and confirming creditworthiness therefrom to approve loan request. Alternatively, because Lucero and Applicants admitted use of confirming player is a guest of casino hotel each are methods of further identifying a player in a process of whether to approve a loan request, it would have been obvious to an artisan at a time prior to the invention to substitute one method for the other to achieve the predictable result of approving loan request based in part on a further identifier. Essentially, the identifier of a player's room number at a casino hotel fails to patentably distinguish over Lucero in view of Applicants' admission. Further, alternatively, it would have been obvious to an artisan at a time prior to the invention to apply the process of a verification that a player associated with the loan request is a current guest of a hotel associated with the gaming device, verifies that a player is currently a guest of a hotel associated with the gaming device, a hotel room number or a hotel room entry card identifier and a confirmation that the player is currently a guest of a hotel associated with the gaming device as admitted as prior art by Applicants' as known process for loan approval as further evidenced by either Burns or Bruner to

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improve method of Lucero for the predictable result of identifying player who requested loan and confirming creditworthiness therefrom to approve loan request. Further regarding claim 63, the claimed steps of claim 63 is typical billing processing for services rendered that in consideration that to register as a hotel guest an account card (i.e. VISA, MC, AE, casino charge card, debit card) is associated with the player who registers to stay in room so as to ensure a means of payment for duration of stay as well as any additional incurred in room service costs (i.e. long distance calls, charging meals to room, etc), it would have been obvious to an artisan prior to the invention to add determining that a predetermined period of time since a time at which the player finished playing the gaming device has passed, determining that the player has not repaid the loan amount during the predetermined period of time, and charging a credit card of the player for at least a portion of the loan amount that has not yet been repaid as known billing processing as conventional billing processing to improve the method of Lucero in view of Applicants' admission or, in the alternative, the method of Lucero in view of Applicants' admission and either Burns or Bruner for the predictable result of billing stored player account for services. Finally, regarding claim 74, the claimed steps of claim 74 is typical recording of transaction payment required under government/jurisdictional gambling or lending laws that either Lucero or Lucero in view of Applicants' admission or Lucero in view of Applicants' admission and either Bruner or Burns therefore implicitly includes where casino is lender or, alternatively, is deemed obvious to apply the process of determining that the player has finished playing the gaming device before the loan amount has been repaid, determining that the player has repaid the loan amount at a casino counter, and storing an indication of the repayment of the loan amount as conventional transaction record keeping so as to properly record business transaction according

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to standard business accounting practices or to comply with government gambling/lending laws.

It is further noted that upon a player checking out of hotel room, the room billing would include all services accrued that are associated with room and those charges are commonly repaid upon checkout at the counter.

Response to Arguments

10. Applicant's arguments with respect to claims 39-74 are have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A. Sager/
Primary Examiner, Art Unit 3714